

SERC Meeting
January 10, 2005
10:00 am

Rudy Raynes began the meeting at 10:04 am, a quorum was present, for those in attendance see attached roster. The minutes of October 12, 2004, were reviewed. Rudy Raynes asked for corrections, deletions or additions. *Mike Goff moved to approve the minutes. Joe Wyatt seconded. Motion passed.*

Old Business- A draft copy of SERC By-laws are included in today's packet, discussion centered on what must be, what should be and what could be in the by-laws. Various state SERC by-laws have been reviewed and portions may be included in West Virginia SERC by-laws.

A copy of all motions from 1992 to the present have been compiled, except the year 1993 which is not available. Motions for approval of minutes and dismissal of meetings were not included. If anyone has SERC minutes from 1993 please contact Laverne Stout.

2004 HMEP Grants - \$71,050.46 in HMEP planning funds were expended through January 2005, not all grants have been closed out yet, training funds expended \$86,000. Reimbursement was requested from US DOT at the end of December.

2005 HMEP Grant - 2005 Initial grant payments were mailed to: Grant, Hampshire, Kanawha/Putnam, Mason, McDowell, Nicholas, Pendleton, Raleigh and Roane. Two LEPCs were unhappy with the sub-committee's recommendations and the Commissions decision on grant awards; Mason and Ohio counties. Mr. Raynes notified Mason and Ohio counties although their projects had merit they did not meet the standards set for grant projects.

SERC Grants- Serc grants were sent to Braxton, Grant, Hampshire, Hancock, Hardy and Ritchie to close out the grant year. LEPCs were eligible for awards of \$72,000 and were granted \$37,382.92. 05 Grant eligibility awards have not been sent due to review by the SERC of grant award amounts and how to determine grant funding formula's.

The options for restructured grants are:

- 1) recalculate awards from 60% LEPCs - 40% SERC to 50-50% or 40-60%
- 2) competitive awards based on merit of the request
- 3) flat rate for all LEPCs
- 4) or a combination of the above approaches

At present the board is leaning toward a \$1000 grant award for each LEPC and if additional funds are available LEPCs will have the opportunity to apply for those funds.

Plan Reviews- McDowell, Cabell/Wayne Counties have submitted plans for review to Paul Howard. Mr. Howard recommends concurrence and acceptance of the two plans. Mr. Howard has additional plans to submit for review at a later time. *Giles Watson moved to accept the McDowell & Cabell/Wayne plans as submitted. Alan Abbott seconded. Motion passed.*

LEPC Membership Approvals -None

By-Laws - None

Training Subcommittee - Mr. Cox had nothing to report

SERC Conference - Mr. Raynes has contacted Neal Sharp regarding the 2005 SERC Conference. Mr. Sharp has agreed to fund a large portion of the conference if the material covered is primarily Weapons of Mass Destruction (WMD). There was discussion of conducting the conference every other year if US EPA begins to conduct their conference every other year as well, but EPA has made no decision yet. The Marriott, Embassy Suites or the Civic Center would be sufficient for the conference depending on pricing. The FEMA CERCLA grant of \$3250 for 2005 will also be used for the conference. Mr. Fisher (WVDEP) had requested funding to attend the US EPA RRT meetings if the grant was not going to be used for the conference.

Treasurer's Report - A year end report from 1 Jan -7 December 2004 was included in the packet. The rest of December will be annotated at the next meeting.

New Business -Mr. Raynes reported on the Huntington incident. Mr. Raynes felt the LEPC was instrumental in assisting responders to work together as a team as the incident progressed. Friday afternoon the incident was under control and was being returned to the local fire department when vapors began to cover the area again. The on-scene commander on advise from Mr. Raynes then began flushing the substance again to decrease vapors and potential for injury or death.

Tier Two internet program - the contractor has terminated his effort to provide an internet option for reporting Tier Two information on-line. Our expenditures to date are approximately \$5,000. \$800 for Mike Moore to attend class and \$4200 for a server. The server can be utilized at a later time, if however, it is determined we will be unable to utilize it, Mr. Moore has stated WVOES will be able to use it and will purchase it from the SERC. At present facilities may report on paper, use the Tier II Windows program or Tier2 Submit program. We are trying to make reporting as easy on the filers as possible. The SERC will need to decide if they want to go forward in the effort to secure an on-line reporting procedure.

US DOT and WV Congressional delegates were sent a letter indicating our opposition to removing placards from rail cars and motor transportation carriers. Replies have been received from Ms. Capito, Mr. Rahall and Mr. Mollohan as well as Mr. Minetta (USDOT Secretary).

Mr. Raynes sent a letter to Delegate Sam Cann from Harrison County concerning the legislation requesting a raise in Tier Two fees. Mr. Cann has not responded. Mr. Raynes and Mr. Watson will also attend a meeting with the Independent Oil and Gas association on Thursday Jan 13, 2005 concerning the definition of an oil and gas facility as well as the Tier Two fee increase. IOGA has requested a revision of the definition of an oil and gas facility, the SERC sent a request to the Attorney General's office to clarify the definition utilizing state and US EPA guidelines. There was discussion on how fees are collected now and what they would be if the legislation passed. All oil and gas facilities will pay an additional *\$75 per company* for the entire year, non-oil and gas facilities may see increases of up to \$300. Mr. Raynes indicated if the legislation did not pass this year significant cuts to grants must be taken, counties will need to contact their legislators to prevent that from happening. There was discussion of funds and expenditures, 84% of funds received are returned to eligible LEPCs. Many states fees are considerably higher or funds are appropriated by their legislatures, in West Virginia the average yearly income from Tier Two fees is \$120,000, considerably lower than surrounding states. If the fee increase passes an additional \$130,000 could potentially be collected. At present the SERC collects \$120,000 in Tier Two fees - \$35,000 is set aside for HMEP matching funds, \$72,000 for LEPC grants, \$36,000 salary and fringe benefits, \$8,000 administrative costs and

\$32,000 SERC Conference for a total of \$183,000 in expenditures, creating a negative balance of -\$63,000 yearly. However, only ½ of eligible LEPCs requested their 2004 grants and ODP (Office of Domestic Programs) provided funding for the 2004 SERC Conference allowing the Tier Two fund to finish in the black, however this was only possible because all eligible LEPCs did not access their grants.

Giles Watson moved to adjourn, Mike Goff seconded, Motion passed. Meeting ended at 11:25. **The next scheduled meeting will be March 3, 2005, at 10:00 am at the new WV DEP office building on MacCorkle Ave in Kanawha City, WV.**